

Hi, my name is Justin Evans. For four years, I worked at the University of Southern California's student radio station; including a year as station manager. I'm also a member of a promising, yet unsigned, local hard rock band in the Los Angeles area. Those credentials aside, I'm primarily sending this letter as a concerned citizen.

The FCC must come up with a definition of local programming; however, it must be dictated clearly with no loopholes left unaccounted for. The FCC can't rely on "market forces" to air local programming - primarily because the average American audience is so disenfranchised with the system, they've forgotten what their rights are. If the FCC allows "market forces" to dictate what local programming is, 100% of the radio stations in America will be owned by Clear Channel before the end of the decade.

Let's not mince words, Clear Channel is the only reason you're having this Notice of Inquiry in the first place. Clear Channel has become such a monster in American radio broadcasting, that many communities are no longer getting local programming. It's easier and cheaper for Clear Channel to buy a station, syndicate shows in New York, and air them in smaller parts of the country than it is for them to staff said radio station with local production teams. It's a good business model on their end, but it's devastating to the local populace.

Local programming should be locally produced. This includes everything that comes with the word "produced". Programming should be done with real in-studio DJ's at least the majority of the time. Syndication is fine, if the audience knows that a show is being syndicated. For example, if I'm listening to Howard Stern or Loveline, I know that these shows are syndicated and played on thousands of radio stations across the country. Giving the benefit of the doubt, I think the average listener knows this as well. Voice-tracking; however, is a much worse issue that I will touch on a little later.

Local programming should entail: local news updates, emergency alert systems, broadcasting of local events, and playing local artists' music. Essentially, it's about developing a sense of community. It's very sad that if I were to one day listen to the radio in Los Angeles, and the next day - listen to the radio in New York, I wouldn't hear much of a difference in the content of the radio programs. Sure, they may give local weather updates every half hour - or local traffic conditions, but I think the audience expects and demands more. In a perfect world, a city's radio station would accurately display the intrinsic sentiment of its local audience. A radio station should help its local bands get recognized. A radio station should conduct its programming in such a manner that says "This is the voice of our City!"

Station participation in local community activities should count towards local programming to a certain degree - but this is a very sticky situation. I can see this matter being used as a loophole by a big conglomerate entity such as Clear Channel. It has to be dealt with very carefully.

Sponsoring charity events, and engaging in community goodwill can be done by big business - and they shouldn't be rewarded too heavily for it. For example, an independent radio station might do a live broadcast from an AIDS walk-a-thon; whereas, a Clear Channel owned station might just throw a few thousands dollars at a local organization to try to get these "local programming" points. Sure it gets money into the communities, but is not really serving the purpose.

Let's face it - Payola still exists today, and will always exist until larger radio stations get rid of the mentality that money in their pocket is more important than serving their community. I'm sure we're all aware that record labels no longer give money directly to the radio stations. They've since exploited a loophole and hired independent promoters to do that work. Payola exists in many forms, whether it be personal favors, gifts, or

otherwise. The problem is money. It doesn't make good business sense for a radio station to say no to payola and yes to local programming. It makes good ethical and moral sense, but not good business sense. If you want payola to stop, you have to give radio stations an incentive not to accept it.

The bottom line is that the FCC must stop the practice of radio stations getting paid to play songs. I believe it would be ok for a record label to air a commercial promoting their bands, because it's understood to be a commercial. Playing music, on the other hand, isn't generally viewed as broadcasting a "commercial"; although that's what the state of radio has become today. Music should be music, and commercials should be commercials. This line should NOT be blurred.

If an artist wants to do a free concert for a radio station, this practice should not be seen as payola. Artists often do shows based on revenue for themselves, and are not often coerced by the record labels to do a show. If the artist wants to do a show as a promotion, they should be allowed to do one. However, if they're forced to do a promotional show at the demand of their record label, this practice should not be tolerated - and should be considered a form of payola.

Furthermore, radio stations *should* announce song and artist information before or after a song is played - so the audience knows what is being played. This, of course, is assuming that the DJ is not getting paid by a record company (directly or indirectly) to do so. If it gets to the point where the DJ simply assumes that his/her audience knows what song was just played on the radio, then I believe something is wrong. Oversaturation is a huge issue simply because it pays the bills. Play what's known to be popular (dictated largely by Clear Channel), and watch the ad revenue come storming in. It's not rocket science. Radio stations are afraid to play fringe and independent bands because they miss out on ad revenue that would be generated if they played "all the hits, all the time".

That all being said, radio stations should NOT accept money from anyone who makes programming suggestions. In fact, the reverse should be true. They should be paying people to do market research and find out what their local audience wants to hear. It used to be that your audience would dictate how much money you could potentially make. Unfortunately, that tide has turned and we now see that radio stations (much like the government, but I digress) stand to make more money by pandering to large organizations than they do by catering to individuals. The business model has been skewed into oblivion.

Voice-tracking shall not be tolerated in its current capacity. I believe that an audience has a right to know when something their listening to isn't being broadcast from where the audience rightly assumes it's coming from. It's very misleading to the public, because no notice is given that the content being listened to isn't happening live and local. Hell, even NBC television came under fire a few years ago when they broadcasted Olympic events "plausibly live", and that wasn't even on the same order of magnitude as voice-tracking. I believe voice-tracking has its place in the radio industry (creating one-liners, blurbs, commercials, etc), but voice-tracking should not be used as the majority of any station's programming.

The practice of voice-tracking is inconsistent with a broadcaster's obligation to serve the local interest. When voice-tracking is allowed to "take-over" a radio station, serious problems arise. Take this story, for example:

In January 2002, a train carrying 10,000 gallons of anhydrous ammonia derailed in the town of Minot, causing a spill and a toxic cloud. Authorities attempted to warn the residents of Minot to stay indoors and to avoid the spill. But when the authorities called six of the seven radio stations in Minot to issue the warning, no one answered the phones. As it turned out, Clear Channel owned all six of the stations and none of the

station's personnel were available at the time.
(Source: <http://www.projectcensored.org/publications/2004/17.html>)

I'd say that this story, and this story alone should be sufficient in ending voice-tracking in its present state - but if the FCC need more reasons, I'd be happy to go on.

National playlists are a huge problem plaguing the radio industry. As mentioned earlier, it's good business sense to play what the national sponsors will buy ad time for. The community level has been completely demolished from the radio landscape. In a society that emphasizes profits over deliverable, quality content - this is to be expected.

The whole music business model needs an overhaul, and this is not limited to the radio industry. Each piece of the music industry is affecting the other. Low record sales lead to less bands being signed by labels, which leads to relatively few bands being played on the radio, which leads to low record sales. It's a vicious cycle, and it can only be broken out of through one mean: MORE & BETTER MUSIC! The problem is that Clear Channel is dictating what is popular. They're not leaving the choice up to the audience anymore. As little as 20 years ago, radio stations played music based on what the audience wanted to hear. The disc jockey would take a chance on a band that hadn't been played before, the phones would light up, and before you knew it - a smash hit was born. Now, smash hits are born before the album is even packaged and sent off to the radio stations. "Popular music" is completely pre-determined by the record labels and Clear Channel. Stars aren't born anymore, they're fabricated by these two entities.

The FCC can't mandate that a certain percentage of a stations on-air time be dedicated to local content. If the FCC were to do that, they'd choose a low-ball number (say around 15%). The radio stations would then move all local content shows between 2:00 and 5:00 AM - because they're not getting paid as handsomely to air such content.

To promote localism, the FCC must address the root of the problem that's plaguing the radio industry today. That problem being: money. I understand the FCC can't very well stop radio stations from selling to the highest bidder, but they can pass legislation that gives incentive to provide local, quality content. I believe that, if done correctly, legislation could be made to increase local artist airplay, which will give rise to a larger number of bands, thereby creating a spark in the music industry that will cause the big money to come from sources other than what Clear Channel dictates.

KSCR, the radio station I managed two years ago, was one of the stations that lost their low-power FM rights in the mid-late 90's when the FCC was sweeping the nation and shutting every last one of them down. That being said, you can imagine that I'm a little bitter over the topic of the FCC's stance on low power FM radio. I now realize that the FCC is granting new low power FM licenses, and I think this practice should be cultivated.

Low power FM allows a radio station to reach an immediate community. This could potentially be very interesting, especially in Los Angeles. There are hundreds of communities and subdivisions in greater Los Angeles, all getting fed the same content from all the major radio stations. Los Angeles is such a saturated market, that if you're not currently one of the big dogs - then you will never get heard. FM licenses can go in the tens to hundreds of millions of dollars. That makes it quite difficult for a fringe radio station to get into business. Low power FM allows fringe music to be heard by the people who want to hear it! Not only that, but LPFM stations can provide unmatched local content - specific to its own immediate community (colleges, chinatown, south central, beach communities, etc).

There is absolutely no reason not to allow LPFM stations to exist. Sure,

some may make the argument that LPFM stations mildly interfere with one of the bigger stations - broadcasting at tens or hundreds of thousands of watts, but that interference is a moot point when you realize that you could probably walk a block down the street and get the bigger station in crystal clear, if you so choose. The fact of the matter is that the bigger stations with more wattage *can still be heard* if you choose to hear it. There's no reason to dismiss LPFM stations based on the argument of interference. Freedom of speech grants you the right to deliver your beliefs, but it doesn't give you the right to an audience.

In conclusion, I would like to thank the FCC for giving us citizens the forum to express our opinions on matters that have great impacts, and are important to each and every one of us. Something needs to be done with the broadcasting industry. That is a certainty. What is done is ultimately up to you, but I hope I've been able to make at least some tiny impact for discussion through this letter to you.

I also want you to keep this in mind when making your decisions based on this notice of inquiry:

People will only write to complain. People don't feel the need to write and say "this is a job well done". You have to take all complaints with a grain of salt.

I know this is off-topic, but I don't know if there will be another opportunity to raise this point to the FCC. In regards to the whole Janet Jackson fiasco during the Super Bowl... the FCC was "forced" to fine all the broadcasters for airing that content. I say forced, because I'm sure the FCC was inundated with angry letters demanding heads to roll. I don't know how many letters you got, remarking that the wardrobe malfunction" was an "outrage" - but let me tell you that the American public, as a whole, didn't care about the so-called "indecentcy". In fact, we don't see anything indecent about it. Even if you received a million letters condemning the wardrobe malfunction, there were probably 200 million people that didn't care. You shouldn't appeal to the lowest common denominator, but that doesn't mean that you have to appeal to the greatest common factor either. Please keep those words with you, and understand that the American public, by and large, isn't as prudish and reserved as popular complaint troupes would have you believe.

Thank you for your time.

Sincerely,
Justin Merrill Evans